

MINUTES
of the
RECONVENED
Twenty-eighth Consecutive and
Fifth Biennial Convention
of
THE UNITED MINE WORKERS
OF AMERICA

Indianapolis, Indiana, February 15, 1922

SECOND DAY—MORNING SESSION

Indianapolis, Indiana, February 15, 1922.

The convention was called to order at 9 o'clock a. m., Wednesday, February 15, President Lewis in the chair.

Secretary Green announced that all the scale resolutions submitted to the September convention had been printed and pamphlets containing these resolutions would be distributed to the delegates with copies of the scale presented by the committee on the first day of the convention. He further announced that arrangements had been made for a group photograph of the delegates immediately after the noon adjournment.

Mr. Alexander Howat of Kansas was given the privilege of the floor and stated that he had filed an appeal with International Secretary Green, the appeal being to the convention from the decision of the International

Executive Board in suspending the autonomy of District 14 and expelling the members and officers of that district from membership without charges being preferred against them and without being given a trial or an opportunity to defend themselves in any way.

Mr. Howat stated that the action cited by him had been taken in violation of the provisions of the International Constitution and for that reason he desired to take an appeal to the delegates. He asked that the appeal be granted, as there would be no other opportunity for an appeal for two years, when another convention will be held.

President Lewis: May the Chair ask whether you filed an appeal with the International Executive Board from the action of the President of the International Union in suspending the autonomy of District 14?

Mr. Howat: I mailed an appeal to Secretary Green. I have a copy in my pocket.

President Lewis: When did you mail the appeal?

Mr. Howat: Last Monday.

President Lewis: Did you file an appeal in conformity with the law of the organization between the 12th day of October, when the charter was suspended and the 8th day of December, when the International Executive Board acted on the matter?

Mr. Howat: No, I did not file an appeal on the 12th day of October and I did not file an appeal at the time we were suspended. I never filed an appeal until we got out of jail.

President Lewis: Did the men who purported to act for you in Kansas file an appeal?

Mr. Howat: No, we did not. We decided to file an appeal and hoped to have an opportunity to present the matter to the convention.

President Lewis: As a matter of fact, you know they did not present an appeal.

Mr. Howat: I never asked them; so far as I know they did not.

We have been kicked out of office and out of the organization in violation of the International Constitution. We are entitled to a trial. This was not done in our case. We were kicked out of office without a moment's notice, without any opportunity to defend ourselves in any way. I understand the organized labor movement of this country has always held to the principle that every man in this country, no matter with what crime he may be charged, is entitled to a fair and impartial trial before he is penalized. We feel our organization ought to hold to that principle and hold to the International Constitution. That is why we are asking for a trial at this time, or at least an opportunity to present the case to his convention.

President Lewis: Section 19 of Article XII of the constitution, of which you speak, reads as follows:

"International conventions shall not consider internal appeals or grievances unless they have been previously considered by the lower tribunals of the organization."

In face of your admission that you have not filed an appeal against the decision of the International President with the International Executive Board in harmony with the law of which you speak, under what circumstances do you construe that your appeal can now be considered by this convention?

Mr. Howat: Because the International Constitution provides that officials of a district, elected by the district, cannot be removed from office without a trial and without charges being preferred against them, which we claim was not done in this case. We were removed from office and expelled from the organization without a trial as provided for by the constitution. For that reason we hold we have a right to appeal to the mine workers of this country.

President Lewis: You stated your appeal was filed Monday of this week, but no appeal has been filed for consideration up to this time before the International Executive Board in conformity with the law of which you speak.

After some further discussion between President Lewis and Mr.

Howat as to the legality of the appeal to the convention, Mr. Howat was given the floor and made a statement of some length with regard to the Kansas situation.

President Lewis occupied some time in replying to statements made by Mr. Howat.

Mr. Howat then moved, in order to get the question properly before the convention, as he stated, that the convention act upon the appeal he had taken from the action of the International Executive Board in the Kansas matter.

President Lewis: You cannot make a motion because you are not representing a local union here.

Mr. Howat: I was elected by my local union. I was elected unanimously.

A Delegate: I want to know if this convention is properly organized. It is not organized until the Credential Committee makes a report.

President Lewis: The Credential Committee made a partial report yesterday and seated all delegates except those whose credentials were protested.

A Delegate: Were Brother Howat's credentials contested?

President Lewis: That local union does not exist.

Mr. Howat: I want to appeal from the ruling of the Chair and ask that the Kansas question now be brought before the convention and give us an opportunity to be heard.

President Lewis: I have ruled that the appeal you have stated has been filed cannot be placed before the convention.

Mr. Howat: And I am now taking an appeal from the decision of the President, taking an appeal to the delegates of this convention with the hope that I may have an opportunity to present the question to the miners of this country so that they will all know the truth of the trouble in connection with Kansas.

President Lewis: The gentleman undertakes to exercise the prerogatives of a legally, duly seated delegate. A delegate to this convention has the right under certain circumstances to appeal from the decision of the Chair. The Chair is not going to rule against this appeal merely because the gentleman is not a delegate to this convention. Although the appeal has no legal standing under the parliamentary rules governing this body, the Chair is going to permit the question to be submitted to the house. The Chair is not obliged to recognize an appeal from the floor made by some one who is not a delegate; but the Chair will, in view of the circumstances, permit the house to determine the appeal.

Mr. Howat: I want to call attention to the fact that I was seated as a delegate to the September convention and I have not as yet been unseated by this delegation.

President Lewis: The charter of your local union was revoked and you are not represented here. It will be understood that in this appeal, under the rules and procedure, the gentleman taking the appeal will be entitled to speak in favor of his appeal and the Chair will be privileged to speak in defense of his ruling. The question before the house will be: Shall the decision of the Chair become the decision of the house?

Vice-President Murray in the chair.

The chairman announced that only the person taking the appeal and the chairman from whose decision the appeal was taken would be permitted to discuss the matter.

Mr. Howat made a statement of some length in support of his appeal, and in doing so discussed the Kansas situation to some extent. He discussed especially the situation at the Dean and Reliance strip mines where the men had been on strike.

President Lewis made a statement in support of his decision, and replied to statements made with regard to the Dean and Reliance strip mine strikes.

During his discussion, Mr. Howat made reference to the strike occasioned by the refusal of the company to carry out the decision of the joint executive board case in the Karl Mishmash case.

Delegate Hall, District 6, raised a point of order to this discussion, and the point was sustained by Vice-President Murray.

At the conclusion of the statements of President Lewis and Mr. Howat a viva voce vote was taken. The chairman stated that he was of the opinion that the ayes were in the majority on that vote.

A division was asked for by a number of delegates. The request of these delegates was granted and the tellers were instructed to count the vote.

Later Secretary Green announced that 864 delegates had voted to sustain the decision of the Chair and 977 delegates had voted to not sustain the decision of the Chair.

A roll call was requested by a number of delegates.

Vice-President Murray: A demand has been made by delegates on the floor of this convention that a roll call vote be taken on this question. The Chair begs leave to advise the delegates that it requires, under the revised rules governing this convention, 700 votes to get a roll call. Therefore, I am going to submit to the convention now the demand for a roll call and to ask you if there is a sufficient number of delegates in the convention to ask for a roll call.

A count was made by the tellers, and Secretary Green announced that 841 delegates had requested a roll call.

At 12:30 o'clock the convention was adjourned to 2:30 p. m. of the same day.

SECOND DAY—AFTERNOON SESSION

The convention was called to order at 2:30 p. m., Vice-President Murray in the chair.

Secretary Green read the following telegram, addressed to himself, and dated Denver, Colorado, February 14, 1922:

"My thoughts today are with the old crowd and the great cause they represent. I wish I could be present, but as this is impossible, please convey to the delegates my sincere good wishes for a successful and harmonious convention.

"FRANK J. HAYES."

Secretary Green: We have a number of blind, crippled and disabled members of our organization who are asking for help. Some of them have come to the convention. It is customary for us to take a collection and divide it among those who possess properly certified credentials and who prove themselves worthy. In order that they may not be kept here at their own personal expense, it seems to me it would be proper and appropriate to have the collection taken now and divide the money among them so that they may go to their homes. I suggest that each one be as liberal as he can. The tellers and the sergeants-at-arms will pass among you and take up the collection.

The business of the convention was suspended for a brief time while the tellers and the sergeants-at-arms took up the collection referred to by Secretary Green.

Vice-President Murray: In accordance with the decision of the convention this forenoon, the Credentials Committee is now prepared to begin on the roll call. For the information of the delegates, before the vote is taken, I desire to advise that all delegates who vote yes will vote to sustain the decision of President Lewis and all the delegates who vote no will vote against sustaining the decision of President Lewis.

Delegate Farrington, District 12, asked for the floor.

Vice-President Murray: For what purpose does Delegate Farrington arise?

Delegate Farrington: I rise to make a few remarks concerning the taking of this roll call vote. I have attended a good many International conventions but I have never known a roll call vote to be taken previous to the time the report of the Credentials Committee was placed in the hands of every delegate in the convention. I think that should be done now.

Vice-President Murray: I may advise you, Delegate Farrington, that yesterday morning the Committee on Credentials submitted a report to this convention seating all delegates elected from bona fide local unions affiliated with the International organization and denying seats in this convention to certain other delegates whose seats have been contested. As a matter of fact, the report of the Credentials Committee has substantially covered almost all the delegates who have been elected to this convention.

Now as to the printing of the committee's report. It may have been the practice to have printed copies of the report of the Credentials Committee before roll call votes were taken in previous conventions, but the roll call for this proposition was demanded by this convention here this forenoon. It is the desire of the Chair, and I understand of the convention, to treat the matter most expeditiously and get it out of the way so that the convention can begin to discuss the more important matters confronting our organization at this time. I believe that the only logical course for this convention to pursue at this time, in view of the decision of the convention this forenoon, would be to proceed with the roll call vote and get through with it as speedily as we possibly can so that our delegates can treat with the scale matters which are more important in their estimation.

Delegate Farrington, District 12: I don't think there is a more important matter confronting the United Mine Workers of America than this. I am anxious for expediency, too, but I am not anxious for expediency to the extent that I am willing to leave room for inaccuracy. We have had roll calls in International conventions and when the Credentials Committee's report was not prepared in such a way as not to enable the placing in the hands of every delegate a copy of that report showing the

number of votes each delegate was entitled to, the convention has delayed taking the roll call vote until that could be done. That is what ought to be done in this case.

There is no reason for any unusual delay at all. The convention can very properly withhold taking this roll call vote until the Credentials Committee's report is printed and placed in the hands of every delegate. While that is being done we can proceed with the other work of the convention.

In order to get the sentiment of the convention, I desire to move that we withhold the taking of this roll call vote until such time as the Credentials Committee's report is printed and placed in the hands of the delegates, and that in the meantime we proceed with the report of the Scale Committee. (Seconded and carried.)

Chairman Mossop of the Committee on Credentials stated that he felt there were many delegates present whose names were not on the list, many who had not turned in their cards or credentials, and requested that all such delegates, together with delegates whose seats had been contested, appear at the committee's office at headquarters.

Delegate Hall, District No. 6: I rise at this time to oppose continuing with the report of the Scale Committee until such time as we have a complete list of the delegates to this convention for the reason that I think the scale is the important matter to come before this convention and it will require a vote of this convention on each section as proposed by the Scale Committee and we ought to know who is entitled to vote before that procedure is carried out.

Vice-President Murray: Do I understand you to say that you offer a motion that this convention defer action on the Scale Committee's report until the Committee on Credentials has submitted a complete report to the convention?

Delegate Hall: I did not offer that as a motion, but I now offer a motion that we defer any action on the Scale Committee's report until

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such time as we have the full report of the Committee on Credentials and the proper delegates are seated in this convention. (Seconded and carried.)

At 4 o'clock the rules were suspended and the convention was adjourned to 9 o'clock a. m., Thursday, February 16.